

## AGENDA



Thursday, November 1, 2007

**Telecommunications & Regulatory Affairs  
RECOMMENDATION FOR COUNCIL ACTION****Item No. 35**

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**Subject:** Approve an ordinance granting Alaska Native Broadband 1 License, LLC, a non-exclusive license to install and operate wireless communications equipment in the public right-of-way in the median at 11609 ½ Metric Boulevard.

**Amount and Source of Funding:** Unanticipated General Fund revenue in the amount of \$5,700 for Fiscal Year 2007-2008.

**For More Information:** Rondella Hawkins; 512-974-2422

**Boards and Commission Action:** Reviewed by the Council Committee for Emerging Technology and Telecommunications.

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This non-exclusive license agreement grants Alaska Native Broadband 1, LLC, a Delaware limited liability company (ANB1), the right to place wireless communication equipment related accessories on the licensed premises located in the median of Mertric Boulevard near the 11600 block. Austin Energy has approved and executed an agreement with ANB1 for the attachment of antennas to the existing electric transmission tower on the site.

In 1999, the City granted a non-exclusive license agreement to AT&T, as well as an electric transmission tower attachment agreement through Austin Energy to place wireless communications equipment in the same area. The terms of this license require ANB 1 to locate and operate on the licensed area in a way that does not interfere with AT&T's existing operations either physically or electronically. ANB1 submitted site plans for the area that indicate there will be no interference.

Other key terms of the license are.

- If the City determines that the wireless station must be removed, relocated, or altered to avoid either physical or electronic interference with City equipment or to accommodate a redevelopment of the license premises, then ANB1 is responsible for the move alternation at its own expense.
- Initial license term is five years with four additional five-year renewal options.
- Initial annual usage fee of \$5,700 escalates annually by four percent.
- ANB 1 has bonding and insurance requirements; and
- Indemnification of the City by ANB1.